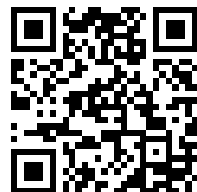

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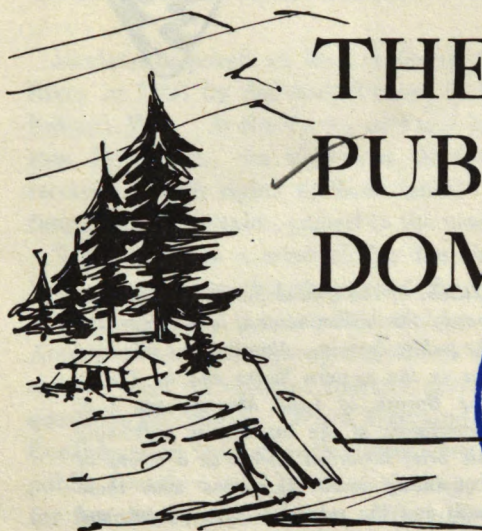
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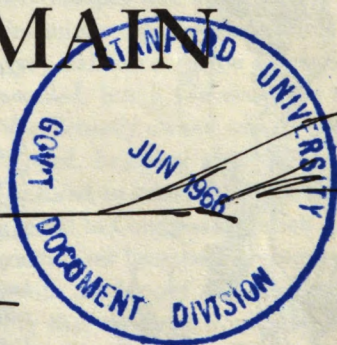
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THE PUBLIC DOMAIN



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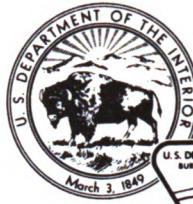
- ITS PLACE IN OUR HISTORY
- ITS PLACE TODAY
- ITS PLACE IN OUR FUTURE

A BRIEF HISTORICAL SKETCH OF THE GREAT LAND
INHERITANCE AND HOW IT HAS ENHANCED A NATION

Land Management Bureau

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Citizens of the United States own approximately 460 million acres of land comprising the public domain. Almost all of this land lies in the western States and in Alaska. The Bureau of Land Management, U.S. Department of the Interior, is publishing this brief historical sketch as a means of acquainting more Americans with these lands and the role they have played, and will continue to play, in our history.

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management

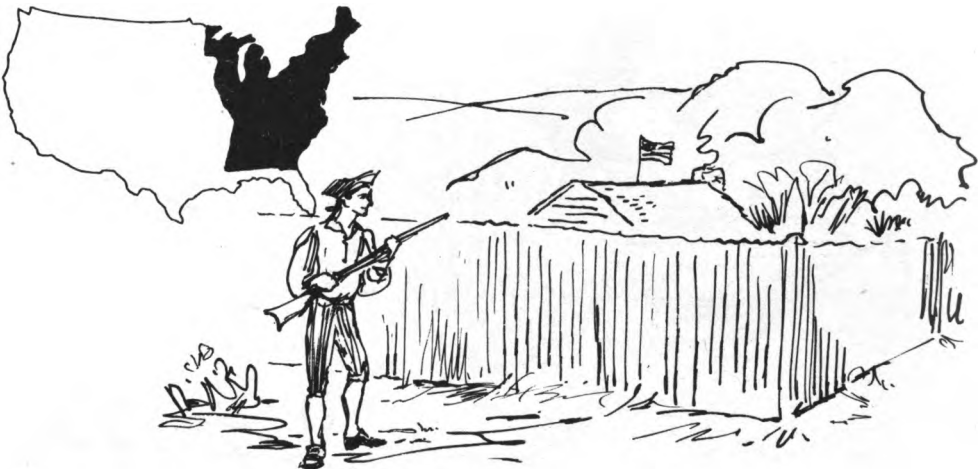


By STEVEN ZIMMET

Creation of the Public Domain

England acquired all land in North America east of the Mississippi River in 1763 by defeating France in the Seven Years' (French and Indian) War. At the Treaty of Paris in 1783, which settled the American Revolution, the victorious thirteen original American colonies received British rights to those lands. Thus a vast new empire—the future public domain—passed to the newly independent nation.

This land was a windfall for the financially torn colonies, but it brought problems that threatened the very existence of the struggling young Republic. An empire had been ceded, but it remained for the Americans to decide among themselves who actually owned what. State claims based on colonial charters overlapped, bringing challenges and questions of validity. When Maryland refused to ratify the Articles of Confederation until all such claims were ceded to Congress, creation of a public domain owned by the national government became a prerequisite for formation of the nation. Virginia, with the largest and most valid claim, ceded her western lands, providing that the area would be used for the "common benefit" of all. New York, Massachusetts, Connecticut, North Carolina, South Carolina, and Georgia also ceded their "rights." Thus the Articles were ratified and a new single nation—with public domain as its patrimony—was created.



While all land owned by local, State, or Federal Government—including city, State, and National parks and forests—is public land, the reference *public land* or *public domain* applies to that part of the *original* land of the United States, plus those areas later acquired by the Federal Government which are under Federal ownership and which have not been reserved for special uses.

Growth of the Public Domain

The history of the public domain is a story of the expansion of the United States. All of the land acquisitions, with the exception of the thirteen original colonies and the present States of Texas and Hawaii, were part of the public domain. Of the major domestic and foreign problems which have confronted this Nation, a majority were directly concerned with, or closely related to, matters of governing, acquiring and disposing of public lands in the expanding West.

In the Treaty of Paris, more than 541 million acres of land were given to the colonies, and this acquisition became the *original* public domain. This was further enlarged in 1803 by the Louisiana Purchase from France, executed by President Thomas Jefferson.

Settlers in the Old Northwest Territory (the first public domain in the Ohio Valley) used the Mississippi River as a natural waterway for bringing crops to market. Access to the French-government port of New Orleans was required. When the French closed New Orleans to these “revolutionaries,” President Jefferson sent a delegation to Napoleon seeking American rights in that port city. Napoleon needed money to finance his army; rather than offer port rights (or sale of city), he proposed to sell all French territory in North America to the Americans.



Jefferson accepted, for he realized the great advantage of removing another foreign power from the American scene as well as permanently securing American rights not only to New Orleans but also for the entire Mississippi River. Almost 530 million acres were added to the public domain by that purchase.

The public domain was further enlarged in 1819 when Spain ceded Florida and other nearby areas to the United States. The Spanish hold on Florida was not secure, and that fading monarchy thereby benefited the United States by adding more than 46 million acres to the public domain.

In 1845, the Republic of Texas was annexed. Originally part of Mexico, Texas had been settled primarily by U.S. citizens, partly at the invitation of the Mexican government. The Texans revolted from Mexican rule and set up an independent "nation" which proposed annexation by the United States. Thus Texas itself was not part of the public domain, but almost 79 million additional acres later purchased by the Federal Government from the State were added to the public land rolls for various purposes.

Expansion in the Pacific Northwest was next. Britain and the United States came close to war over the boundary between this country and Canada. The controversy was settled in 1846 by the Oregon Compromise which, dividing the disputed territory, added 183 million acres to the public lands.

Having lost a war to the United States, Mexico ceded nearly 5,300,000 square miles. This expansion was completed in 1853 with the Gadsden Purchase of almost 300,000 more square miles to round out the borders of the continental United States.

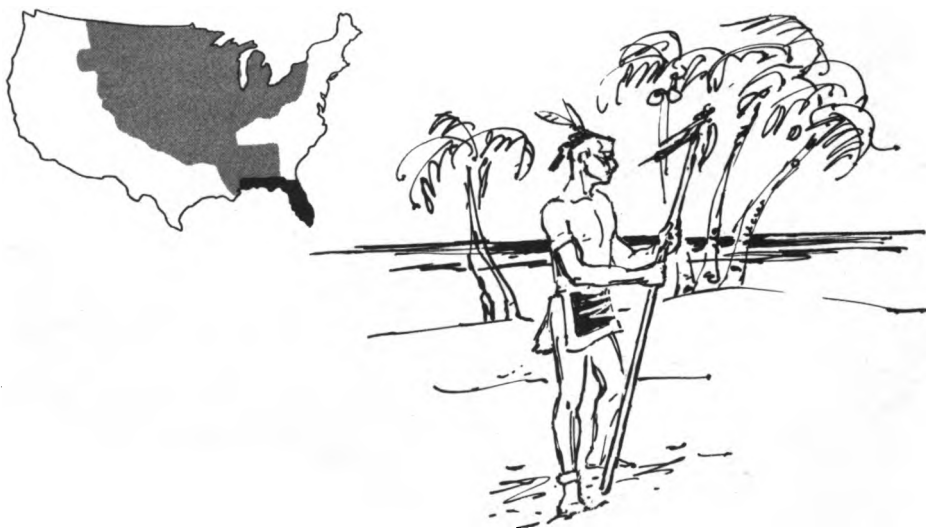


Growth and expansion of the American nation was not yet complete for Alaska was purchased from Russia in 1867 for \$7,200,000 during the Presidency of Andrew Johnson. This last major acquisition of the public domain, with its 375 million acres, was the second largest addition made to the public lands. Hawaii, with 6,415 square miles, was annexed in 1898, but since it had been an independent nation like Texas, no public lands were acquired.

Administration of the Public Domain

Under the Articles of Confederation, Congress began to plan for the public domain. Thomas Jefferson was chairman of a committee to recommend methods of administering the lands. Important aspects of his report were incorporated in the first two significant land laws enacted, the Ordinances of 1785 and 1787.

In performing its function and making its report, the Jefferson committee applied a wealth of colonial experience to the problems at hand. The administrative system provided uniformity and simplicity. Rectangular land surveys, with boundaries in the cardinal directions, were established as Thomas Hutchinson was appointed first geographer of the United States. Allodial titles—titles of absolute ownership not subject to feudal dues—were granted. A clear and simple title to the land could pass from the government to the purchaser.



The value of this system must be emphasized, for it was an important social-economic factor. The surveys provided a method of relating title of ownership to an actual piece of land, described in an uncomplicated manner that could be administered easily by a frontier community. The nature of the title itself was clear. By these well conceived plans, major controversies over land ownership were avoided; the United States was spared the almost endless litigation that has plagued other countries where land descriptions were not as clear and land titles not as simple.

Three steps for the settlement of an area were provided in the Ordinance of 1785: clearance of the Indian title, survey of the land, then public sale. Congress was forced to look at the public domain as a source of revenue since its financial resources were minimal and debts were high. However, important principles were not overlooked. Survey before sales or settlement was demanded and the principle of public lands for public benefit was established. One section in each township was granted for the support of public education, a principle still flourishing though in different manifestation.

American experiences as English colonies were recalled when Congress planned its own "colonial" policy for government of public lands in the Ordinance of 1787. Although the plan called for close Congressional supervision of territorial governments with little local participation, it was democratic compared to policies of other nations of the day. The territorial government was in three stages, depending on the population. Self-government and statehood could be attained only in the third stage,



when population exceeded 60,000 people. The goal was democratic—to make these new American “colonies”—carved in the public domain—equal partners with the other States in the Union. And this goal was attainable.

The Constitution of the United States, Article IV, Section 3, gave Congress authority to administer the public lands, granting power to admit new States to the Union and “to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. . . .” Each State appreciated its vested interest in the fertile new land; each realized that the responsibilities of ownership were national and that the problems required national solutions.

In April 1812, Congress established the General Land Office as a part of the Treasury Department. The Land Office was authorized “to survey, manage, and dispose of public lands.” Executive and administrative responsibilities for the domain were transferred from the Secretary of the Treasury to the Land Commissioner, a move so successful in its functions that “doing a land office business” quickly came into language.

During the second quarter of the 19th century, the American government was concerned with slavery, and the public domain was a major part of the slavery discussion. The famous Webster-Hayne Debate was prompted by a resolution for the restriction of public land sale.

Based on the recommendation of Treasury Secretary Robert J. Walker, the Department of the Interior was created on March 3, 1849. Originally called the Home Department, it was the sixth agency with cabinet status. The General Land Office, Office of the Census, and Office of Indian Affairs were brought together in the new agency.



The Department of the Interior expanded and took on new responsibilities as the years marched across America and the new nation matured. But the public lands remained as space and earth; if anything, they were considered—like so many other resources—inexhaustible.

Not until the depression of the 1930's did Americans reevaluate these resources. Then Congress, under the leadership of President Franklin D. Roosevelt, enacted the Taylor Grazing Act—introduced by Representative Ed Taylor of Colorado—which provided for the segregation of up to 8 million acres (later increased to 142 million) for grazing purposes under the direction of the Department of the Interior. A Grazing Service was established to manage the grazing lands and to help stabilize a dependent livestock industry.

In 1946, the General Land Office and the Grazing Service were combined into a new agency called the Bureau of Land Management. Today, the responsibilities of BLM are to manage all the “public lands” and their resources for many uses, among them recreation, domestic livestock grazing, timber and mineral production, fish and game habitat, industrial space and watershed protection. Public land surveys and care and maintenance of public land records continue to be important aspects of the work of BLM.

Disposition of the Public Domain

While the western frontier of the United States was expanding, public lands in the East, then in the Midwest, were passing quickly from public to private ownership. Congress reaffirmed the principles and major



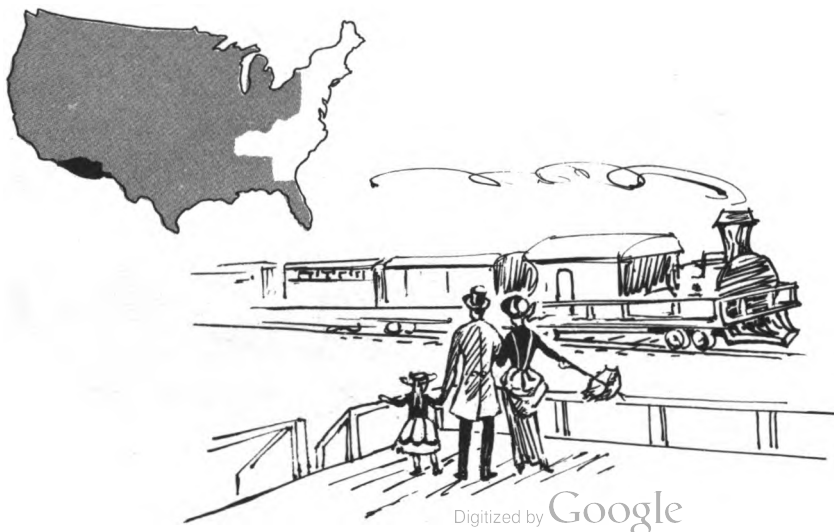
provisions of the Ordinances of 1785 to 1787 in the Land Law of 1796, and the basic land system of the United States was firmly established. Congressional actions encouraged settlers to take up vast potential farm-lands which comprised much of the public lands.

Alexander Hamilton, as Secretary of the Treasury, first proposed that the sale of public land could be used to provide much needed revenue for the Federal Government. But this policy of selling the public land for profit did not fit the needs of a growing nation. Installment sales were permitted in the Land Law of 1800. At first the minimum price per acre was \$2.00; credit terms were harsh. Various adjustments were soon made in both price and terms. Finally, in 1862, with enactment of the Homestead Law, land was virtually given away by the Government.

Since early colonial times, land had been used to help support the military. Colonial governments offered tracts to encourage settlement along the frontiers. Land served both as payment for military service and as a method of stationing men where they were needed most. During the American Revolution, Virginia and other colonies offered unoccupied land as inducements for enlistments in the militia. In 1776, Congress offered 50 acres of land to each deserter from the British army, and land bonuses were given to colonists to encourage them to join Washington's army. After the war, Virginia sold unoccupied land to help pay her war debts.

Use of land as a reward for military service continued in later years, when veteran and military land bounties were commonly used. One of the more famous recipients of these bounties was Abraham Lincoln, who received a bounty for his service in the Blackhawk Indian wars. During the War Between the States, a Homestead Bonus Act passed by Congress provided 160 acres of public land for each soldier with 2 years of service.

While in 1862 most government efforts were devoted to the War Be-



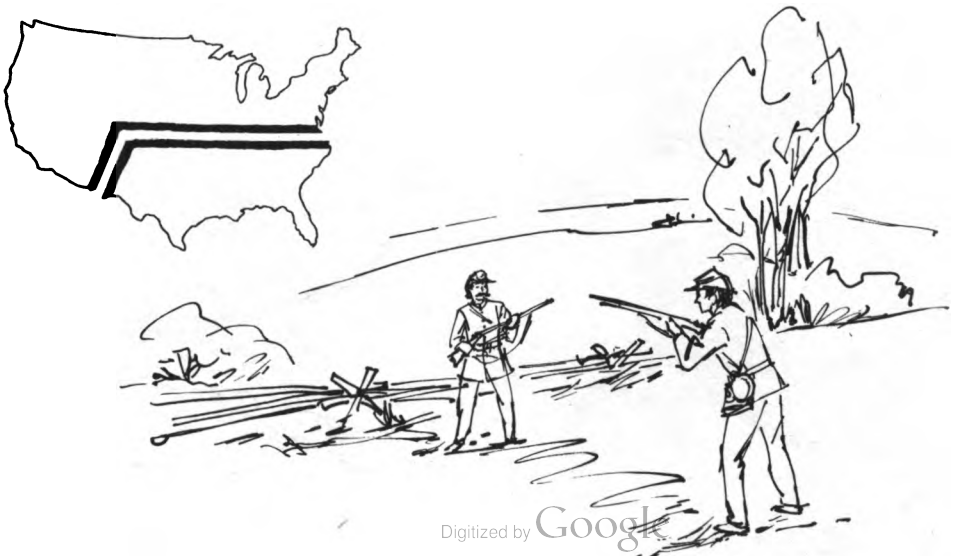
tween the States, important changes were made in public land management with the enactment of three major laws. First the Homestead Law introduced the era of "free" land, and more than 270 million acres of public land were granted to homesteaders under the Act. A "quarter-section" (160 acres) was offered to any citizen who was head of a family and over 21 years of age—but 5 years of continuous residence, crop-raising, and payment of a \$30 registration fee were required.

A second major law of 1862 was the Transcontinental Railroad Act, giving a central transcontinental railroad its right-of-way and alternate sections of public domain on both sides of the railroad. More than 91 million acres of public land were granted under this Act for extensive railroad construction "bonuses."

The third land law of that year advanced education with the Land Grant College and Universities (Morrill) Act. National aid to vocational colleges offering advanced training in agriculture and mechanical arts meant granting more than 11 million acres of public land. And 69 land grant colleges have been established.

Several other acts of Congress speeded the transfer of public lands to private ownership. The Timber Culture Act of 1873 authorized any person who kept 40 acres of timber land in good condition to acquire title to 160 additional acres. Five years later, the minimum acreage was reduced from 40 to 10 acres. In 1877, the Desert Land Act allowed individuals to acquire 640 acres of land at 25 cents an acre, provided that the land became irrigated within 3 years.

The Carey Act of 1894 authorized the President to grant to each public land State a minimum of one million acres for irrigation, reclamation, settlement and cultivation. The surplus funds accruing to the States from this program were to be used for reclaiming lands in the individual States.



Reclamation legislation continued with the passage of the National Reclamation Act on June 17, 1902. It earmarked almost the entire amount of revenues from public land sales in 16 Western and Southwestern States to support construction and maintenance of irrigation projects.

But an era of public retention had begun formally in 1872, when a fabulous tract in northwestern Wyoming was reserved as Yellowstone National Park, first of the great parks which have evolved into the National Park System. Yellowstone was followed by other national parks—Sequoia, Yosemite, and General Grant in 1890—and many others since.

The first legislation authorizing preservation of forests as part of a national forest system was passed in 1891. In 1905 the Forest Service was organized to administer national forests.

In 1903, President Theodore Roosevelt created the Nation's first wildlife refuge, Pelican Island Reservation in Florida. Many other refuges have been added.

Since the original and expanded public domain, more than 1½ million square miles, an area totalling more than half the Nation, have been transferred from public to private ownership, while many millions of additional acres have been reserved as national parks, national forests, wildlife refuges, national monuments, and military reservations.

The Public Lands Today

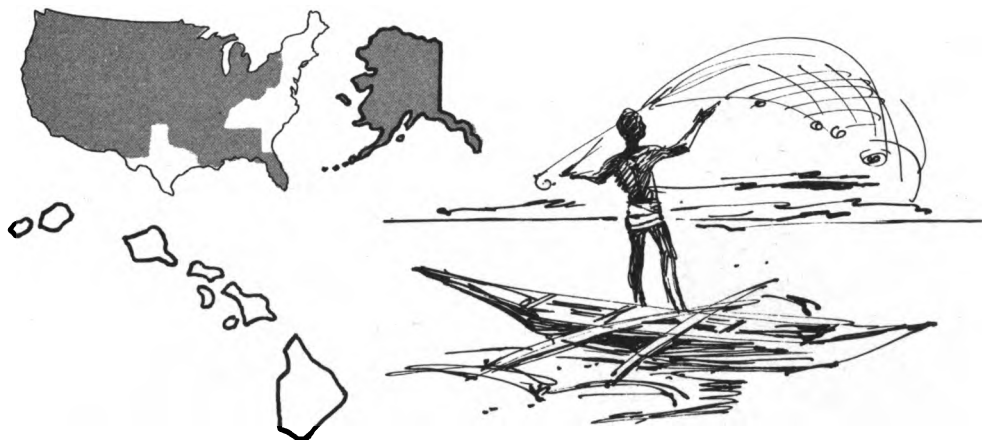
The westward movement may be said to have started the day after the first settlers reached Jamestown. Our migration scaled the Appalachian Mountains long before the American Revolution and prior to the concept of a public domain. It was a movement in the true pioneer spirit, carried out by individuals without organization or extensive plans.



Those in the vanguard of this migration were strong-willed, independent men who were generally restless and dissatisfied in the more settled areas. Their determination and independence were an important factor in the development of policies of the United States toward the public lands during the era of settlement. Equally strong-willed, determined men later aroused the Nation to other possible uses of the public lands. The conservation movement that took roots in the 1930's helped Americans realize the need for preserving and conserving our natural resources.

In September of 1964, Congress enacted three major laws which defined more clearly the goals and directions for the Bureau of Land Management in administering the public lands. The Classification and Multiple Use Act provides for retention and development of vast areas of the public domain while at the same time calling for disposal of other areas in the public interest. The Public Sale Act clarifies the matter of disposal to local government or to individuals, while the Public Land Law Review Commission was created to undertake a comprehensive review of all laws concerning the public lands and to make recommendations to Congress.

Today, the public lands include more than 460 million acres—about one-fifth of the total land area of the United States—primarily located in 10 Western States and Alaska. Although the public domain is more than 185 years old, the responsibilities of public land management are basically the same as those faced by the fathers of our country: to utilize the land and its resources to best advantage for all—not only to meet the needs of today, but also to meet the requirements of the future. How well we understand our experience, and how well we can benefit from our achievements and our mistakes, will determine our future success in public land management.



ACQUISITION OF THE PUBLIC DOMAIN

1783 Treaty of Paris.....	541,364,480 acres given to colonies
* Cession by the	
Original States.....	236,825,600 acres
1803 Louisiana Purchase.....	529,911,680 acres
1819 Spanish Cession.....	46,144,640 acres
(Treaty of 1819)	(Florida and other adjustments)
1846 Oregon Compromise.....	183,386,240 acres
(Great Britain)	
1848 Mexican Cession.....	338,680,960 acres
1850 Texas Purchase.....	78,926,720 acres purchased from
	Texas outside of present borders
	of the State
1853 Gadsden Purchase	
from Mexico.....	18,988,800 acres
1867 Alaska Purchase	
from Russia.....	375,296,000 acres
1898 Hawaii annexed**.....	6,424 square miles

*Occurred over several years.

**No public lands.

Map Showing Acquisition of the Public Domain

